

**THIRTY-FIRST DAY**

(Tuesday, March 8, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Harris	Strauss
Phillips	

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

**Leaves of Absence Granted**

Senator Strauss was granted leave of absence for today on account of important business on motion of Senator Bell.

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Phillips was granted leave of absence for today on account of important business on motion of Senator Corbin.

**Senate Resolution 62**

Senator Hardeman offered the following resolution:

Whereas, Honorable Weldon L. Surber of San Angelo, Texas, a former city commissioner of said City of San

Angelo, is a visitor in the Capitol today, now, therefore be it

Resolved by the Senate that Mr. Surber be extended the privileges of the floor today.

The resolution was read and adopted.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 6, A bill to be entitled "An Act authorizing, empowering and directing the Board of Regents of the Texas State Teachers Colleges to contract with certain municipalities for water at certain state teachers colleges, repealing all laws, contracts and agreements in conflict herewith, and declaring an emergency."

H. B. No. 8, A bill to be entitled "An Act to amend Article 1011, Revised Civil Statutes of Texas, 1925, so as to empower the City Council or other governing body of all incorporated cities and towns of the State to pass penal ordinances containing a penalty or fine not to exceed Two Hundred (\$200) Dollars instead of the maximum penalty of One Hundred (\$100) Dollars as now provided in said article; and declaring an emergency."

H. B. No. 24, A bill to be entitled "An Act declaring the floods in Bexar, Wilson, Karnes and Goliad Counties, Texas, to be public calamity; authorizing a donation and grant to the San Antonio River Canal and Conservancy District of all of the State ad valorem taxes collected in said counties for two years; providing that such donated taxes shall be used for construction and operation of flood control improvement and in aid thereof; specifying the reports thereon to be made by the Assessor and Collector of Taxes; making existing State laws applicable to contracts, receipts and disbursements and accounting for said public funds; suspending all laws in conflict; and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act making an emergency ap-

appropriation of \$10,000.00 to the Upper River Control and Irrigation District for the purpose of placing a water gauging station at the Prairie Dog Fork Bridge in Hall County, Texas, and for other purposes and declaring an emergency."

H. B. No. 83, A bill to be entitled "An Act defining mobs and lynching and defining lynching in the first degree and lynching in the second degree, prescribing penalties therefor, providing that this Act shall not repeal existing laws relating to unlawful assemblies, rioting, and offenses against the person and declaring an emergency."

H. B. No. 85, A bill to be entitled "An Act amending Article 2553, Revised Civil Statutes, 1925, as amended by Acts 1937, 45th Legislature, page 1298, Chapter 484, providing that the Commissioners' Court may in its discretion require a receiving and paying agent at the county seat, and providing that said agent shall be approved by the Commissioners' Court; and declaring an emergency."

H. B. No. 182, A bill to be entitled "An Act amending Article 4000, Title 65, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the 39th Legislature and as amended by the Act of April 27, 1935, Chapter 115, General Laws, Regular Session, 44th Legislature, by adding thereto a provision excepting from the operation of said Article any lien securing the purchase price of any merchandise or other article except as to bona fide retail sales, and declaring an emergency."

H. B. No. 382, A bill to be entitled "An Act to authorize Commissioners' Courts to purchase, build, construct, or otherwise acquire county jails, detention homes and office buildings; providing for the payment therefor; validating all bonds voted or issued for such purposes; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Reports of Standing Committees

Senator Bullock submitted the following report:

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 240, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass as amended and be printed.

BULLOCK, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 179, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 136, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 137, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 301, have had the same under consideration, and I am in-

structed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 125, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Proffer submitted the following reports:

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 263, have had same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 333, have had same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Senator Carney submitted the following reports:

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 318, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman.

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 58, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman.

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 231, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman.

Senator Tynan submitted the following report:

Austin, Texas,  
March 7, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 17, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Chairman.

Senator Jones submitted the following report:

Austin, Texas,  
March 7, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 311, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senator Hardeman submitted the following report:

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Con-

stitutional Amendments, to whom was referred S. J. R. No. 8, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do not pass, but that the Committee Substitute do pass in lieu thereof and be printed.

HARDEMAN, Chairman.

C. S. S. J. R. No. 8 was read first time.

#### Senate Concurrent Resolution 13

The President pro tempore laid before the Senate for consideration at this time:

S. C. R. No. 13, Relative to memorializing and requesting the Congress of the United States to enact a bill to assist the State in collecting sales and use taxes on cigarettes now being evaded by shipments through the United States mail.

The resolution was read second time and was adopted.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Cousins:

S. B. No. 335, A bill to be entitled "An Act authorizing the creation within this State, under and by virtue of Section 59, Article 16, of the Constitution, of districts to be known as port and navigation districts including within their boundaries a city containing 75,000 population or more, according to the preceding or any future Federal census, in the manner provided in Chapter 5, of the General Laws of Texas, passed by the 39th Legislature, and amendments thereto, for the purpose of making improvements for navigation, and for the purpose of acquiring the wharf and dock properties, assets and facilities of such city within its boundaries by assuming the outstanding indebtedness of such properties, and for all other purposes stated in Section 59, Article 16, of the Constitution, such districts to be known as port and navigation districts, which may or may not include within their boundaries and limits district and municipal corporation of any kind, or part thereof, or a portion of existing navigation districts created under Section 52, of Article 3, of the Constitution, which

districts shall be governmental agencies and bodies politic and corporate, with such powers of government essential to the accomplishment of such purpose; provided such district shall not include therein the territory of more than two counties, or parts of two counties; provided that such district including a portion of existing navigation districts created under the provisions of Section 52, of Article 3, of the Constitution shall in no way interfere with the jurisdiction and powers being exercised by existing navigation districts; providing for a petition for the creation of such district, a hearing thereon, and the election for same; providing for a navigation board to pass upon such petition; prescribing the functions and duties of the navigation board; providing that such district when created shall have authority to acquire from such city, with the consent of the City, all of its port properties, assets and facilities, and the manner thereof; authorizing such districts to operate, repair, extend and improve such port properties and facilities and issue bonds for such purposes, and the manner thereof; and to borrow and issue warrants; providing for an election for the assumption of the outstanding indebtedness of such port facilities; authorizing an annual maintenance tax not to exceed 10c on the \$100 valuation of all property within such port and navigation district; conferring upon such district the power now conferred upon navigation districts by the laws of this State; vesting the management and control of such districts in a board of port and navigation commissioners prescribing their qualifications, powers and duties, terms of office and compensation; providing said district shall be divided into four wards for voting purposes only; providing for meeting and organization of said board of port and navigation commissioners and for regular and special meetings thereof; providing for the levy and assessment of taxes for said district by the county officials and the compensation therefor; providing said district shall have the authority herein granted, as well as all authority granted by general and special laws to navigation districts, and for the regulation of wharfage and charges for the use of the facilities in said districts; providing the port and navigation commissioners shall have authority to employ all persons necessary to the

business of the district and prescribe their duties and fix their compensation; providing this Act shall be cumulative; providing a savings clause; and declaring an emergency."

To Committee on Water Rights, Irrigation and Drainage.

By Senator Cousins:

S. B. No. 336, A bill to be entitled "An Act to amend Article 8229, R. C. S. of Texas, 1925, as amended by the Acts of the First C. S. of the 49th Legislature, Chap. 52, page 149, so as to change the provisions thereof to apply to navigation districts having a city containing two hundred fifty thousand (250,000) population or more according to the last preceding Federal Census; and declaring an emergency."

To Committee on Water Rights, Irrigation and Drainage.

By Senator Bell:

S. B. No. 337, A bill to be entitled "An Act for the purpose of preserving the faith and credit of the State and its agency the City of Rockport, Texas, to which State General Fund Ad Valorem Taxes have been donated or granted making an appropriation to such city of an amount of money equivalent to that which it would have received if such tax had been levied in the year 1948; enacting other matters relating to the subject; and declaring an emergency."

To Committee on Finance.

By Senator Hazlewood:

S. B. No. 338, A bill to be entitled "An Act to permit the leasing of lands subject to any contingent future interest for the development of oil, gas and other minerals; providing for the appointment of a receiver to lease such lands at public or private sale and receive the proceeds thereof and reinvest such proceeds thereof and distribute income and principal to the proper owners under order of the court; providing for notice to all interested persons; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator McDonald:

S. B. No. 339, A bill to be entitled "An Act providing that all municipal corporations and all districts created under the authority of Article III, Sections 52 and 52d of the Constitution of the State of Texas and all

school districts, including junior college districts of this State are authorized to contract for public liability insurance on all motor vehicles owned or operated by such corporations or districts, and if such corporations or districts elect to contract for public liability insurance on such motor vehicles, said corporations and districts shall no longer enjoy immunity from liability while in performance of governmental functions in the operation of such motor vehicles; repealing all laws and parts of laws in conflict herewith; containing a severability clause; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Taylor:

S. B. No. 340, A bill to be entitled "An Act authorizing the transfer of title by the State Board of Control to a tract of land consisting of 47.45 acres, located in the City of Terrell, Kaufman County, Texas, and in exchange for such property so transferred the Board of Control, on behalf of the State of Texas, acting for the use and benefit of the Terrell State Hospital, shall receive a tract of land consisting of 52.5 acres, located in the City of Terrell, Kaufman County, Texas; and declaring an emergency."

To Committee on State Affairs.

#### Senate Bill 21 Set as Special Order

Senator Morris moved that Senate Bill No. 21 be set as a special order for Tuesday, March 15, 1949, immediately following the morning call.

The motion prevailed by the following vote:

#### Yeas—24

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

#### Nays—2

Hudson	McDonald
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## Absent

Carney Weinert

## Absent—Excused

Harris Strauss  
Phillips

## Bills Ordered Not Printed

On motion of Senator Bracewell, it was ordered that House Bills Nos. 17 and 137 be not printed.

## Senate Bill 29 Set as Special Order

Senator Bell moved that Senate Bill No. 29 be set as a special order for Tuesday, March 22, 1949, immediately following the morning call.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

## Nays—2

Hardeman Kelly of Tarrant

## Absent

Carney McDonald

## Absent—Excused

Harris Strauss  
Phillips

## Senate Resolution 65

Senator Moore offered the following resolution:

Whereas, We are honored today by having as guests the Civics Class and History Class of the Bremond High School and their sponsors, Mrs. Sam Gray, Miss Margaret Clark, and Mr. B. A. Vienson, and

Whereas, The Senate extends to them a most cordial welcome and

grants them the privileges of the floor for today.

The resolution was read and was adopted.

## House Bills on First Reading

The following bills, received from the House today, were read severally first time and referred to the Committees indicated:

H. B. No. 6, to Committee on Towns and City Corporations.

H. B. No. 8, to Committee on Towns and City Corporations.

H. B. No. 24, to Committee on State Affairs.

H. B. No. 78, to Committee on Finance.

H. B. No. 83, to Committee on Criminal Jurisprudence.

H. B. No. 85, to Committee on Counties and County Boundaries.

H. B. No. 382, to Committee on Civil Jurisprudence.

H. B. No. 182, to Committee on Civil Jurisprudence.

## Senate Concurrent Resolution 24

Senator Proffer offered the following resolution:

S. C. R. No. 24, Authorizing the Board of Regents of the Texas State Teachers College to dispose of certain real estate.

Whereas, On the 11th day of April, 1940, the State of Texas acquired the title to the West seventy-five (W 75) feet of Lot No. Four (4) in Block No. One (1) of the Fair Grounds Addition to the City of Denton, Texas, which is fully described in a deed from B. F. Fronabarger, Jr., a single man, to the State of Texas for the use and benefit of the North Texas State Teachers College at Denton, Texas, which is shown of record in Volume 282, Page 211 of the Deed Records of Denton County, Texas, and on the 31st day of August, 1943, the State of Texas, for the use and benefit of said College, acquired the title to Lot No. Eight (8) in Block No. Twenty-nine (29) of the College Addition to the City of Denton, Texas, which is fully described in a deed from E. C. McElroy, individually and as independent executor and sole beneficiary

under the will of the estate of Kate Reese McElroy, deceased, shown of record in Volume 301, Page 536 of the Deed Records of Denton County, Texas; and,

Whereas, Continuously since the date of the purchase of the respective tracts of land above mentioned the same has been used by said North Texas State Teachers College and is at this time being used, held and claimed by said College; and,

Whereas, At the time of the acquisition of said two tracts of land it was the intention of the Board of Regents of said College to acquire in the name of the State of Texas for the use and benefit of said College adjoining tracts of land but on account of the prices which adjoining owners asked for their said properties it has been deemed inadvisable to acquire such adjoining tracts; and,

Whereas, it would be to the advantage of the State of Texas and to said College that the two tracts of land above herein described be sold and the proceeds derived therefrom made available for the purchase of other lots more advantageously situated to the College and which can be purchased at a lower price than lots contiguous to and adjoining the above described tracts; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Board of Regents of the Texas State Teachers College be and it is hereby authorized and empowered to sell and dispose of the above described real estate at the highest available cash price or prices obtainable therefor, and said Board is hereby directed to use all proceeds derived from the sale or sales of said real estate in the purchase of other real property necessary and useful to the North Texas State Teachers College at Denton, Texas; and be it further

Resolved, That said Board of Regents, acting by and through its proper officers, be and it is hereby authorized and empowered to execute all necessary and proper deeds and other instruments that may be required incidental to the sale or sales of said tracts of land above herein described, and to do and perform all other acts that may be necessary in and about the premises.

The resolution was read and was referred to the Committee on State Affairs.

#### House Bill 17 on Second Reading

Senator Bracewell moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 17 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent—Excused

Harris	Strauss
Phillips	

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 17, A bill to be entitled "An Act prohibiting the selling, offering, exhibiting for sale, or having in possession with intent to sell as food for human consumption horsemeat, defining horsemeat, prohibiting the transfer of its possession under certain circumstances, setting out facts constituting prima facie evidence of violations of this act, providing that the act shall not affect provisions of city ordinance except where providing for injunctions against persons violating the act from engaging in the business of purveying meat, providing a repealing clause, providing a savings clause and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 17 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

## Absent—Excused

Harris	Strauss
Phillips	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

## Absent—Excused

Harris	Strauss
Phillips	

## Bills and Resolution Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

S. B. No. 61, A bill to be entitled "An Act making an emergency appropriation for the Texas Prison System; and declaring an emergency."

S. B. No. 27, A bill to be entitled "An Act validating the discontinuance and/or any attempted discontinuance

of territory, and validating the boundaries and areas of all cities and towns incorporated under the General Laws of the State of Texas, having a population of two thousand (2,000) inhabitants or less, at the time of the discontinuance or attempted discontinuance of said territory; validating all petitions and ordinances discontinuing or attempting to discontinue territory, and validating the boundary lines of any such city or town, after the discontinuance or attempted discontinuance of such territory, although the territory in said city, as a result of the discontinuance or attempted discontinuance of such territory, consists of two or more separate areas, and validating the act of any city contiguous thereto in subsequently annexing the territory thus discontinued; provided that this act shall not apply in cases where litigation, affecting such discontinuance or attempted discontinuance of territory, is now pending; and declaring an emergency."

H. B. No. 106, A bill to be entitled "An Act regulating the issuance of time warrants by counties having a population in excess of three hundred thousand (300,000) inhabitants according to the last preceding or any future Federal Census; providing that this Act shall not apply to time warrants of such counties issued or authorized to be issued prior to effective date of this Act, and containing certain other exceptions; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

H. B. No. 376, A bill to be entitled "An Act declaring open season on fox in Austin County and making it lawful to kill any number of fox in Austin County at any and all times; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 67, A bill to be entitled "An Act validating certain independent school districts which have been redefined by County Boards of Trustees; validating such orders passed by County Boards of Trustees; validating elections held in such districts to authorize maintenance taxes, assumptions of bonded indebtedness and the issuance of bonds; enacting other provisions relating to the subject; providing that this Act shall not apply to any annexation or consolidation or any bond or tax election the validity



of which has been attacked by litigation on the effective date of this Act, nor to certain districts involved in litigation on the effective date of this Act; providing that this Act shall not be construed as authorizing for the future the formation of county-line rural high school districts with legal status of strict independent school districts organized under the general laws; and declaring an emergency."

H. B. No. 408, A bill to be entitled "An Act creating Road District No. 4 of Coleman County, Texas, etc., and declaring an emergency."

H. B. No. 282, A bill to be entitled "An Act to validate the establishment, organization, and/or creation of all school districts, validating the acts of county boards of school trustees, county judges, commissioners' courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment, and collection of taxes, etc.; and declaring an emergency."

H. B. No. 308, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or secretary in any county having a population of not more than twenty-seven thousand one hundred fifty (27,150) and not less than twenty-seven thousand fifty-nine (27,059) inhabitants according to the last preceding Federal Census; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

H. B. No. 414, A bill to be entitled "An Act providing that it shall be unlawful to kill deer and wild turkey in Coke County for a period of four (4) years from and after the passage of this Act; repealing all conflicting laws; providing a penalty; and declaring an emergency."

H. C. R. No. 34, In memory of the Reverend Edwin Curtis Boynton.

#### Senate Joint Resolution 5 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 5, Proposing an amend-

ment to Article III of the Constitution of the State of Texas authorizing the Legislature to provide for the creation and establishment of rural fire-prevention districts.

The resolution was read second time and was passed to engrossment.

#### Senate Joint Resolution 5 on Third Reading

Senator McDonald moved that the Senate rule requiring joint resolutions to be read on three several days be suspended and that S. J. R. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

Absent

Lock

Absent—Excused

Harris	Strauss
Phillips	

The President pro tempore then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

## Absent

Lock

## Absent—Excused

Harris  
Phillips

Strauss

## Report of Standing Committee

By unanimous consent, the following report was submitted at this time: Senator Corbin submitted the following report:

Austin, Texas,  
March 8, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and Cities, to whom was referred H. B. No. 8, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be not printed.

CORBIN, Chairman.

## Message From the Governor

The following message, received from the Governor today, was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,  
March 8, 1949.

To the Senate of the 51st Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Associate Justice of the Supreme Court of Texas to fill the un-

expired term of Honorable A. J. Folley, resigned, term to expire January 1, 1951: Honorable Meade F. Griffin of Plainview, Hale County, Texas. (Term to begin April 1, 1949, effective date of Judge Folley's resignation.)

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

## Senate Bill 286 on Third Reading

The President pro tempore laid before the Senate on its third reading and final passage:

S. B. No. 286, A bill to be entitled "An Act creating a Court of Domestic Relations for Potter County; prescribing the qualifications of the Judge thereof; fixing his salary; fixing the jurisdiction thereof; conforming the jurisdiction of other Courts thereto; creating a Juvenile Board for certain counties; providing for the District Attorney to serve said Court; containing severability clause; and declaring an emergency."

The bill was read third time.

Question—Shall the bill be passed?

## Bill Ordered Not Printed

On motion of Senator Jones, it was ordered that H. B. No. 8 be not printed.

## Adjournment

On motion of Senator Hardeman, the Senate at 12:00 o'clock m. adjourned until 10:30 o'clock a.m. tomorrow.

**In Memory of**  
**Reverend J. R. Nutt**

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Senator Lock offered the following resolution:

(Senate Resolution 63)

Whereas, God in His infinite wisdom did on the second day of March, 1949, call from his earthly labors, the Reverend J. R. Nutt, Pastor Emeritus of the First Baptist Church of Lufkin, Texas; and

Whereas, The Reverend Nutt was born at Blue Mountain, Mississippi, and came to Lufkin as Pastor of the First Baptist Church in 1920, retiring in 1942 after twenty-two years of service, during which time the membership was greatly increased and a beautiful church building was completed. Prior to that time he had served in Mississippi, Gilmer and Belton; and

Whereas, The Reverend Nutt was very active in civic affairs, being a member of the Masonic Lodge, Knights of Pythias and Lions Club. He also served as a trustee of the Marshall College and on the State Executive Board of his Church; and

Whereas, the Reverend Nutt is survived by his wife, Mrs. Madge Leavell Nutt of Lufkin; two sons, J. R. Nutt, Jr., of Lufkin and Halber L. Nutt of Chicago, Illinois; one daughter, Mrs. Clifford Jackson of Dallas; two brothers, John Nutt of Ashland, Mississippi, and Charles C. Nutt of Potts Camp, Mississippi, and three grandchildren; and

Whereas, His passing will be greatly mourned by his many friends throughout the State of Texas and his loss is irreplaceable and it is the desire of the Senate of Texas to recognize and to pay tribute to the services and the useful life of Dr. Nutt, and to express sympathy to his family; now, therefore, be it

Resolved, That we express to the immediate members of the family of the deceased our sincere sympathy and regret upon the passing of this distinguished citizen; that a copy of this resolution be sent to the immediate members of his family and that when the Senate adjourns today, it do so in memory of the Reverend J. R. Nutt.

**LOCK**  
**HARRIS**

The resolution was read.

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

On motion of Senator Colson, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted.

In Memory of  
**John M. Weekly**

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Senator Martin offered the following resolution:

(Senate Resolution 64)

Whereas, God in His infinite wisdom did on the 3rd day of March, 1949, call from his earthly home, John M. Weekly of Ennis, Ellis County, Texas; and

Whereas, Mr. Weekly was born in Ellis County on January 12, 1872, twelve miles northwest of Milford, residing there until 1875, at which time he moved with his parents to Plum Grove, six miles north of Milford, and resided there until the summer of 1888, when they moved to Milford; and

Whereas, Mr. Weekly became editor and publisher of the Milford Courier on August 4, 1894, and until July, 1902, when he bought the Ennis Weekly Local and moved to Ennis; and

Whereas, in November, 1909, he became editor of the Ennis Daily News, continuing in that capacity until June 3, 1939, when he retired from active work; and

Whereas, Mr. Weekly became correspondent of the Dallas Morning News at Milford in August, 1894, and resumed that service in Ennis in 1909, continuing until May, 1946, when he suffered a "stroke" and retired from that service; and

Whereas, Mr. Weekly joined the Milford Masonic Lodge, receiving the Master degree May 1, 1893, and receiving his 50-year service pin in Ennis Lodge May 4, 1943, at the hands of his son, Chloma F. Weekly of Dallas, who later served a year as Worshipful Master of Tannehill, the oldest Masonic Lodge in Dallas County; and

Whereas, Mr. Weekly served two terms as Master of Milford Lodge, and also Master of Ennis Lodge in 1906 and 1910, serving the latter named year as Master of Ennis Lodge, High Priest of Ennis Chapter and thrice Illustrious Master of Ennis Council, Royal and Select Masters; and

Whereas, Mr. Weekly also was active in the Baptist Church for more than sixty years serving on the Board of Deacons in the Tabernacle Baptist Church of Ennis, and serving as chairman of that board for nearly twenty-five years, resigning in June, 1939; and

Whereas, He is survived by a widow, Bertha Clyde Ford Weekly, whom he married on June 20, 1900, and the following children: Chloma Ford Weekly, Dallas; Dr. Frederick Clay Weekly, Waco; and Weldon Truett Weekly, Houston; four sisters, six grandchildren, and a host of friends to mourn his passing; and

Whereas, It is the desire of the membership of the Senate to express to the family and friends of Mr. Weekly their sorrow and further to bear recognition to the public service of this outstanding Texan; now, therefore, be it

Resolved, By the Senate of the State of Texas, that a copy of this resolution shall be spread upon the Journal of the Senate, and that a copy of this resolution be sent to the surviving widow and family of Mr. Weekly; and be it further

Resolved, That when the Senate adjourns today that it do so out of respect for this honorable Texan.

MARTIN

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Corbin, the names of the Lieutenant Governor and all members of the Senate, were added to the resolution as signers thereof.

The resolution was adopted.